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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.       |
|--|-------------|----------------------|---------------------------------|------------------------|
| 10/545,194   | 08/11/2005  | Man-Yop Han          | H0595.0026/P026                 | 9959                   |
| 24998  | 7590        | 08/04/2010           |                                 |                        |
| DICKSTEIN SHAPIRO LLP<br>1825 EYE STREET NW<br>Washington, DC 20006-5403 |             |                      | EXAMINER<br>BRADFORD, CANDACE L |                        |
|  |             |                      | ART UNIT<br>3634                | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>08/04/2010         | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |  |                                     |  |
|------------------------------|--|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/545,194   | <b>Applicant(s)</b><br>HAN, MAN-YOP |  |
|                              | <b>Examiner</b><br>CANDACE L. BRADFORD | <b>Art Unit</b><br>3634             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

The request filed on 5/18/10 for a Request for Continuing Examination (RCE) under 37 CFR 1.114 is acceptable and an RCE has been established. Any previous finality is hereby withdrawn and a new action on the merits follows. Any newly-submitted claims have been added. An action on the RCE follows.

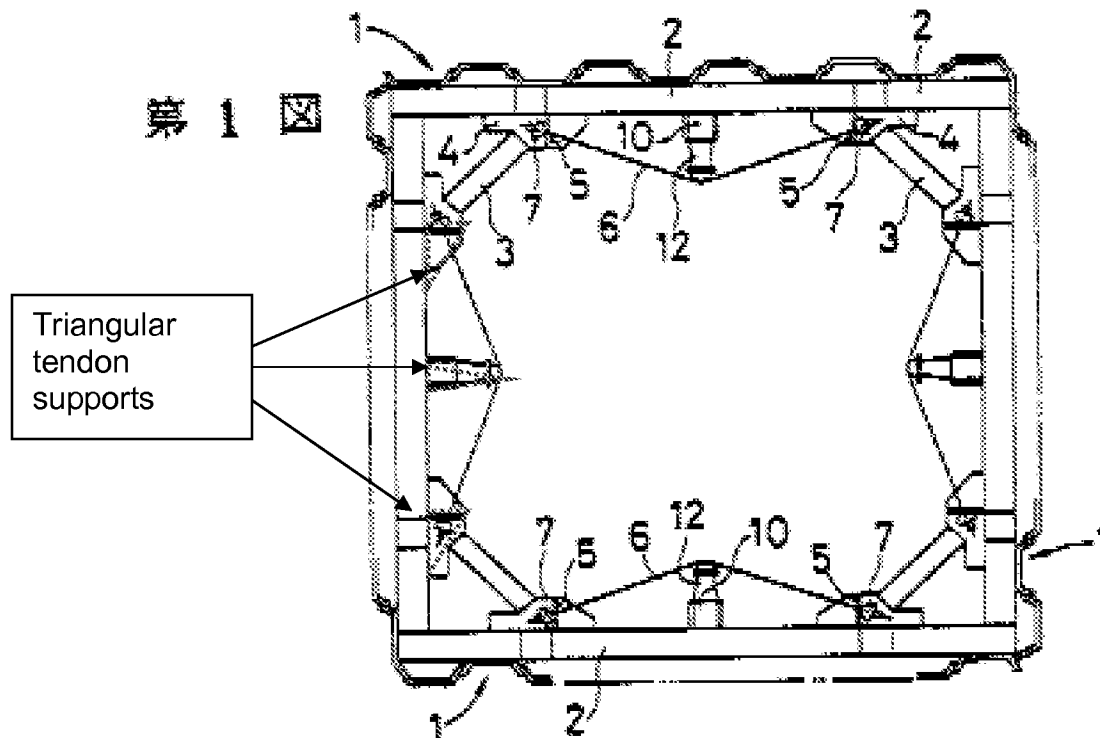
### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoue (3710578). Hosaka discloses a tendon 6, a prestressed wale 2, comprising a plurality of triangular tendon supports, as best seen in the marked-up figure below, being in contact with the tendon, in a middle portion of said wale, a tendon-anchoring unit 7 at both ends of said wale, and a connecting brace 4, for connecting the tendon to said triangular tendon supports and to said tendon-anchoring unit, but fails to disclose a strut constituted by a truss or a plurality of H-beams or an H-beam having a large cross section and supporting said tendon-anchoring unit. Inoue teaches the utility of struts 11, 12, 18. Struts are commonly used to give additional support to a shoring apparatus. Therefore, it would be obvious to one of ordinary skill in the art to provide the shoring apparatus of Hosaka with shoring struts as taught by

Inoue so as to provide additional support to a shoring



apparatus.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoue (3710578). Hosaka further discloses the system as defined in claim 1, wherein said triangular tendon support is constituted by a vertical member and inclined member, or only by vertical members, or only by inclined members for forming a triangle and supporting said wale, as best seen in the figure above.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoue (3710578). Inoue further discloses the support of a frame for earth retaining, comprising a pile 25 and a support beam 18. The use of piles and beams are commonly used in the earth retaining art to provide a stable support and

barriers for workers. Therefore it would be obvious for the shoring apparatus to be equipped with piles and beams so as to provide a stable support and barriers for workers

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoue (3710578). Hosaka further discloses the system as defined in claim 2, wherein said tendon-anchoring unit 7, fixes a tendon 6, and couples with said wale 2, for applying a compression force and further couples with said inclined member or vertical member for supporting a generated force, as best seen in Figure 1.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoue (3710578). Hosaka further discloses the system as defined in claim 4, wherein said tendon-anchoring unit 7, forms an isosceles triangle, a corner of said isosceles triangle is reinforced by a reinforcing member, wherein said tendon is fixed at one corner of said isosceles triangle and a member facing said corner is directly connected to a truss strut or through a hydraulic jack 12, or a screw jack, and a portion connected with said wale has a length adjusting function, as best seen in Figure 3.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoue (3710578). Hosaka in view of Inoue as advanced above fails to disclose an anchoring unit forming a trapezoid. It should be noted that the shape of the anchoring unit is strictly design choice, and can be changed as the components of the units are positioned as desired by the user, as best seen in the applicant's Figures 8a and 8b.

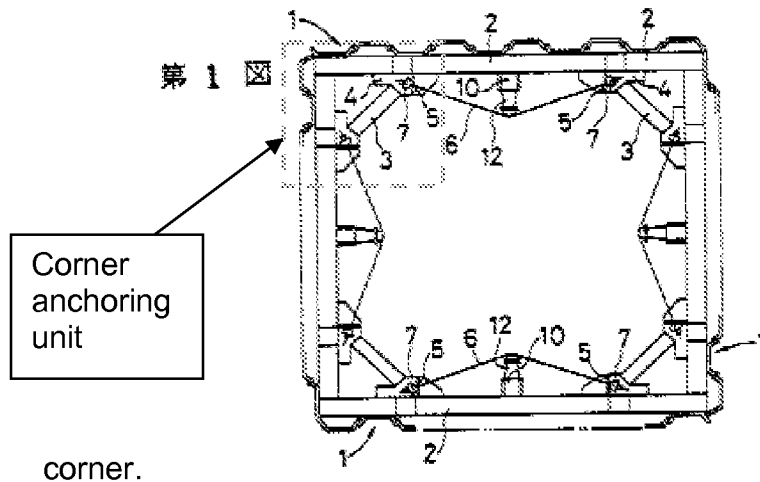
Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoue (3710578). Hosaka further discloses the system as defined in claim 4, wherein said tendon-anchoring unit is provided with an inclined or vertical strut, a tendon 6, entered from one side of said tendon-anchoring unit is fastened at an opposite side, a single wale 2, or a double wale is supported by said tendon-anchoring unit, as best seen in Figure 3, and said tendon-anchoring unit is equipped with a jack 12, having a length adjusting function.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoue (3710578). Hosaka further discloses a prestressed scaffolding system forming a polygonal closed section only by using a prestressed wale comprising a tendon 6, a plurality of triangular tendon supports, as best seen in the figure above, being in contact with the tendon, in the middle portion of said wale, a tendon-anchoring unit at both ends of said wale, and a connecting brace for connecting the tendon to said triangular tendon supports and to said tendon-anchoring unit, as best seen in figure 2.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (JP63019334) in view of Inoue (3710578). Hosaka further discloses the system as defined in claim 8, wherein said tendon-anchoring unit is a corner anchoring unit and is

Art Unit: 3634

designed to be connected with said wale 2 and to fix a tendon 6 at both sides of said



### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. The applicant's attention is drawn to page 5 of the remarks. The applicant states the Hosaka reference does not disclose all of the limitation of claim 1. The examiner would like to note that although the Hosaka and Inoue references are being used, the examiner has provided further detail and is no longer using the Jackson reference. The applicant's attention is drawn to page 6 of the remarks. The applicant states that neither the Hosaka or Inoue reference disclose the invention as claimed in claims 8 and 9. The examiner would like to state that as seen above, the limitation of claims 8 and 9 are now clearly and specifically identified by the reference numbers and figure mark-ups as best seen above. The examiner would further like to note that it is the combination of the Hosaka reference in view of the Inoue reference which teaches the utility of claims 8 and 9.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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July 29, 2010